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# LEGISLATOR EDUCATIONAL INFORMATION

Prepared by  
Montana Legislative Services Division

2000 - 2001

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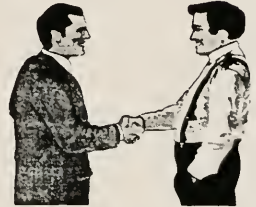


# A LEGISLATOR'S JOB

A Montana legislator does more than vote for or against bills. The Legislature's actions affect all Montanans in their daily lives. Your legislator helps determine the quality of life in Montana. No job is more important.

## REPRESENTATION

- ✓ Serve the constituents living in the district
- ✓ Do what is in the best interest of the state as a whole
- ✓ Act as a liaison between constituents and state government
- ✓ Keep the legislative process open and honest



## LAWMAKING

- ✓ Study, discuss, request, and vote on proposed legislation
- ✓ Create, amend, and repeal state laws and programs as necessary
- ✓ Allocate state resources to agencies and programs
- ✓ Settle conflicts, right injustice, and make authoritative decisions



## MONITORING

- ✓ Ensure laws are carried out according to the intent of the Legislature
- ✓ Oversee the work of state agencies
- ✓ Act as a balance to the Executive and Judicial Branches of government



*The People's Voice*

# MONTANA LEGISLATOR QUALIFICATIONS

A Montana legislator is a lawmaker, a representative of the constituents' interests, and the protector of the common good of the citizens of Montana. Senators are elected to 4-year terms, and one-half of the Senate is elected every 2 years. Representatives are elected to 2-year terms, and the entire House is elected every 2 years. Montana is divided into geographical districts, based upon population, from which Senators and Representatives are elected. Each Montanan is represented by one state Senator and one state Representative.

What kind of person fills this role?

Qualifications for office are identical for Senators and Representatives. To be a legislator, a person must be a United States citizen, must be a resident of Montana for at least 1 year prior to the general election, must be 18 years of age or older, and must reside in the county if it contains one or more districts or in the district if it contains all or parts of more than one county.

These are the constitutional requirements for a legislator, but a Montana legislator must have additional qualities . . . insight into the issues and problems facing the state, the ability to find solutions to problems, the trust of constituents and loyalty to the constituency, commitment to improving the quality of life in Montana, pride in Montana and its people, and dedication to making laws that preserve Montana as the last best place.



*Dedication and Commitment*



# HOW A BILL BECOMES A LAW

A bill is a proposal for a law. Ideas for bills come from many sources: the legislator, constituents, local government, state agencies, special interest groups, professional associations, and other state legislatures. When a legislator identifies or is made aware of an issue or problem that may be addressed by legislation, the proposed idea is put into a bill. Only legislators may introduce bills.

To illustrate how a bill becomes a law in Montana, we will follow a bill requested by a Representative, which must first be approved by the House of Representatives before it can be transmitted to the Senate. If a bill is requested by a Senator, the process is reversed.

## REQUEST AND DRAFTING

Once a Representative decides that a bill should be prepared, the Representative submits a request to the Legislative Services Division. The Legislative Services Division is a nonpartisan agency whose duties include drafting all bills proposed in the Montana Legislature. The Legislative Services Division drafter writes the bill in proper legal form and in a manner designed to achieve the requester's purpose.

## INTRODUCTION

After the bill draft is completed, it is delivered to the requester for review. When the bill meets with the requester's approval, the bill is prepared for introduction. One or more legislators may sign the bill as sponsors. The bill is then filed with the Chief Clerk of the House of Representatives, who assigns a bill number. (In the Senate, the bill is filed with the Secretary of the Senate.) The bill's number, title, and sponsor are read to the House of Representatives. The Speaker of the House, the presiding officer, assigns the bill to a standing committee for consideration.



*Preserving the Last Best Place*

## COMMITTEE WORK

A committee is a group of legislators assigned to examine bills or issues relating to a specific subject area. In the House, the Speaker appoints the members of committees, and in the Senate, the Committee on Committees appoints the members of committees. Once a bill is assigned to a committee, the committee chair, a member of the majority party, schedules the bill for a hearing. Notice of the hearing is published. At the hearing, interested parties may offer testimony in support of or in opposition to the bill. Based upon the testimony offered at the hearing, the committee may recommend various actions on the bill. The committee may recommend amendments to the bill, may recommend to the House of Representatives that the bill be passed, may recommend that the bill not be passed, or may table the bill in committee, i.e., choose to make no recommendation but, in effect, kill the bill.

## DEBATE

A report of the committee's recommendation is announced from the rostrum and is adopted. Adoption of an adverse (do not pass) recommendation kills the bill. A bill upon which a positive recommendation is adopted is then placed on second reading. On second reading, the House of Representatives resolves itself into a Committee of the Whole. The committee may debate the bill, may amend the bill, may recommend approval or disapproval of the bill, or may indefinitely postpone action on the bill. If the bill is approved on second reading, any amendments are engrossed into the bill. After engrossing, the bill is placed on third reading.



## THIRD READING

Third reading is the dispositive vote on the bill in the House. A bill may not be amended or debated on third reading. The vote on third reading is on whether the bill passes or does not pass the House. A majority of the Representatives voting must approve the bill.

## TRANSMITTAL

A bill that passes in the House of Representatives is transmitted to the Senate, where all of the previous procedures are followed. If the Senate amends the bill, the bill is sent back to the House for approval. If the House agrees with the Senate amendment, the bill has passed both chambers in identical form and is sent to the Governor. If the House refuses to concur with the Senate amendment, the House may request a conference committee on the bill.

## CONFERENCE COMMITTEE

A conference committee consists of members of both houses who attempt to resolve differences in the versions of a bill that has passed both houses. A regular conference committee is limited to consideration of the disputed amendment to a bill. A free conference committee may consider the entire disputed bill. A conference committee reports the result of its action to each respective house. Each house must adopt the conference committee report on the bill in order for the bill to proceed to the Governor.



## GOVERNOR'S ACTION

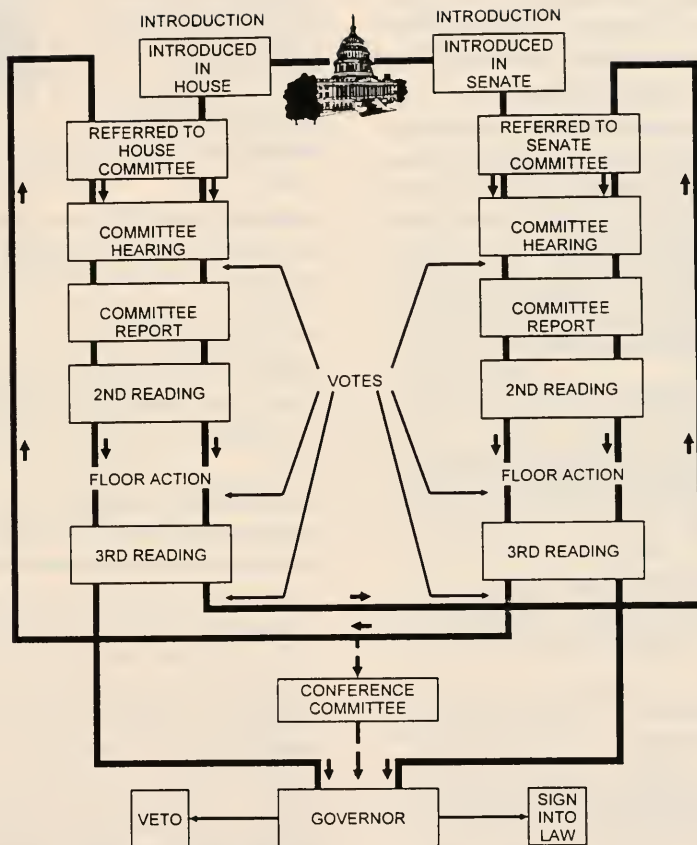
Each bill passed by the Legislature, except a referendum or resolution, must be reviewed by the Governor. The Governor has four options: sign the bill, recommend amendments to the bill, veto the bill, or take no action. If the Governor takes no action on a bill, it becomes law after 10 days.

The Governor has the option of using three types of vetoes: the veto, in which the Governor disapproves the entire bill; what is commonly referred to as the amendatory veto, in which the Governor returns the bill to the Legislature with recommendations for amendment; and the item veto, in which the Governor disapproves specific appropriations.

The Legislature may override a veto or an item veto by a two-thirds vote of the members of each house. If the Legislature rejects the Governor's suggested amendments, the Governor must sign the bill, veto the bill, or take no action on the bill. The Governor may not return a bill with suggested amendments a second time.

## MONTANA LAW

After a bill is signed by the Governor or is passed by the Legislature over the Governor's veto, it is sent to the Secretary of State, who is the custodian of the original copies of all bills enacted into law. The enacted bills are then printed in the Laws of Montana, commonly known as the session laws. The portions of the enacted bills that are of a permanent nature are incorporated into the Montana Code Annotated, a compilation of laws published every other year. Bills passed by the Legislature are normally effective on October 1 following their approval, unless another date is specified in the bill or it falls into a special category. For example, appropriations are effective on July 1 following their approval and a bill imposing a tax or fee on motor vehicles is effective on January 1 following its approval.



# LEGISLATIVE GLOSSARY

**ACT:** A bill that has been passed by both the House and the Senate, enrolled, approved by the Governor or passed over the Governor's veto, and published.

**ADJOURNMENT:** Ending of a meeting or legislative session. Adjournment of the House or Senate takes place at the close of each legislative day, with the hour and day of the next meeting set before adjournment.

**ADJOURNMENT SINE DIE:** Ending of the Legislature until the next session. No future meeting date is set except as provided in the Constitution.

**ADOPTION:** Approval or acceptance; usually applied to motions, amendments, and resolutions.

**AMENDMENT:** A change proposed or made to a bill or motion. Amendments may be offered in a standing committee, in a conference committee, or on second reading during Committee of the Whole.

**APPROPRIATION:** Legislative authority for expenditure of state money for a specific purpose by the various departments of state government.

**APPROVAL:** Signature by the Governor of a bill passed by the Legislature.

**BILL:** A legislative proposal sponsored by a legislator. If a bill is passed by both the House and the Senate and approved by the Governor, it becomes a law.

**CALL OF THE HOUSE (SENATE):** A procedure used to compel attendance of members for the consideration of any specific item of legislative business.

**CALL TO ORDER:** The action of the presiding officer that brings either house officially into session.

**CAT AND DOG BILL:** A bill that makes a specific appropriation for a specific purpose that is not included in the general appropriations bill.

**CAUCUS:** A meeting of all members of a political party. The term also refers collectively to all members of a political party in a house.

**CHAMBER:** The official meeting place of the Senate or the House of Representatives.

**CHIEF CLERK:** A person appointed by the majority party of the House of Representatives to perform and direct the parliamentary and clerical functions of the House.

**COMMITTEE:** A group of legislators chosen to consider and make recommendations on bills and other matters in a particular subject area.

**COMMITTEE CHAIR:**

The legislator appointed to preside over a standing or special committee as it conducts its business.



**COMMITTEE OF THE**

**WHOLE:** The convening of an entire house into committee for the transaction of business.

**COMMITTEE REPORT:** An official release of a bill or resolution from a committee to the chamber as a whole. A committee report may recommend that the chamber act favorably or unfavorably on the bill or resolution.

**COMMITTEE SECRETARY:** An employee designated to keep the minutes and official record of votes and other actions taken at committee meetings.

**CONCURRENCE:** Agreement by one house to a proposal or action taken in the other house.

**CONFERENCE COMMITTEE:** A group of legislators appointed by the presiding officer in each house to resolve differences between the houses on a bill. A conference committee is limited to consideration of the disputed amendment. A free conference committee may consider the entire bill.

**CONFIRMATION:** Approval by the Senate of an appointment made by the Governor.

**CONFLICT OF INTEREST:** The existence of a personal interest of a legislator that affects the ability of that legislator to vote impartially.

**CONSTITUENT:** A person who lives in the district represented by a legislator.

**CONVENE:** To officially begin a meeting of a legislative body.

**DISTRICT:** The geographic area of Montana represented by a legislator. District boundary lines are determined on the basis of population. Each district is designated by a number. A Senate district consists of two contiguous House districts.



**EFFECTIVE DATE:** The date on which a law becomes binding. The effective date for general laws is October 1 following passage and approval unless the legislation contains a specific date. The effective date for appropriations is July 1 following passage and approval. The effective date for legislation imposing or increasing a tax or fee on motor vehicles is January 1 following passage and approval.

**ENGROSSING:** The incorporation of amendments and all appropriate technical corrections into the text of a bill.

**ENROLLING:** The preparation of a bill in the form that it finally passes the Legislature with appropriate places for documenting the house of origin and approval of the bill.

**ENVIRONMENTAL QUALITY COUNCIL (EQC):** An entity consisting of legislators and individuals with responsibility for review, investigation, and analysis of the state's role in preserving and enhancing the quality of the environment.

**FISCAL NOTE:** A note attached to a bill that estimates the financial impact of the bill on government entities.

**FISCAL YEAR:** The 12-month period used for state financial purposes. The fiscal year begins on July 1 and ends on June 30.

**FULL-TIME EQUIVALENT (FTE):** A budgeting unit for determining employment numbers in an agency. One FTE position represents 2,080 working hours in a fiscal year.

**GENERAL FUND:** The treasury fund into which all money not earmarked for a specific purpose is deposited. The general fund supports the general functions of state government.



**GERMANENESS:** The relevance or appropriateness of an amendment to a bill. If an amendment is determined to be not germane to the bill, it cannot be made to the bill.

**HEARING:** Public discussion scheduled by a standing committee for the purpose of gathering information on a bill.

**IMPEACHMENT:** The procedure for removing from office a public official accused of misconduct.

**INDEFINITELY POSTPONE:** A motion to dispose of a bill without taking an affirmative or negative vote on the bill. A bill that is indefinitely postponed may not be acted on again absent a motion to reconsider. Unless the motion to indefinitely postpone a bill is reconsidered, the bill is treated as if it were finally rejected, i.e., killed..

**INTERIM:** The period of time between regular legislative sessions.

**INTERIM COMMITTEE:** A statutory committee that may be assigned to study a specific matter during the time the Legislature is not in session and to make recommendations to the next regular session of the Legislature. The committee also monitors assigned Executive Branch agencies.

**INTRODUCTION:** The formal presentation of a bill into the legislative process, at which time the bill is given a number designation.

**ITEM VETO:** The disapproval by the Governor of a specific appropriation.

**JOINT RESOLUTION:** A document used to express the opinion of the Legislature, request an interim study, revise joint rules, set compensation for legislative employees, approve construction of certain state buildings, ratify or propose amendments to the United States Constitution, or advise or request the repeal, amendment, or adoption of an administrative rule. A resolution must be acted upon by both houses and requires approval by a majority in each house. A resolution is not transmitted to the Governor for consideration.

**JOURNAL:** The official chronological record of the proceedings in a house.

**LAWS (Legislative Automated Workflow System):**

LAWS is an integrated computer system that aids in the creation, processing, and management of bills for the Montana Legislature. LAWS also provides status and text information for bills through the Internet. The general public can access LAWS through the Montana Legislative Branch Home Page (<http://leg.state.mt.us>) and follow the links to legislative sessions.



**LEGISLATIVE AUDIT COMMITTEE:** A statutory committee that oversees the Legislative Auditor.

**LEGISLATIVE AUDIT DIVISION (LAD):** The division headed by the Legislative Auditor. The audit staff perform financial and performance audits of governmental agencies to determine whether expenditures are made in furtherance of authorized activities in an efficient and effective manner.

**LEGISLATIVE AUDITOR:** The Legislative Auditor serves as Division director of the Legislative Audit Division. The Legislative Audit Committee selects the Legislative Auditor.

**LEGISLATIVE COUNCIL:** A statutory committee that oversees the Legislative Services Division.

**LEGISLATIVE ENVIRONMENTAL POLICY OFFICE (LEPO):** The Legislative Services Division staff performing functions for the EQC.

**LEGISLATIVE FINANCE COMMITTEE:** A statutory committee that oversees the Legislative Fiscal Analyst.

**LEGISLATIVE FISCAL ANALYST (LFA):** The officer who provides for the fiscal analysis of state government and serves as Division director of the Legislative Fiscal Division. The Legislative Finance Committee selects the LFA.

**LEGISLATIVE FISCAL DIVISION (LFD):** The division headed by the Legislative Fiscal Analyst (LFA). The LFA and staff provide for the fiscal analysis of state government. The staff analyzes the executive budget and staffs the committees responsible for state budgeting.

**LEGISLATIVE SERVICES DIVISION (LSD):**

Permanent administrative staff of the Legislature. The staff consists of a legal services office, an office of research and policy analysis, a legislative environmental policy office, a central services office, and an office of legislative information technology. The staff is responsible for drafting bills, staffing committees, providing support services to the Legislature, and codifying and publishing laws.

**LEGISLATOR:** A member of either the Senate or the House of Representatives.

**LEGISLATURE:** The Senate and House of Representatives collectively.

**LOBBYIST:** An individual who encourages the passage, defeat, or modification of proposed legislation on behalf of a principal.



**MAJORITY LEADER:** The member of the majority party in each house who is elected to be the party's leader. The Majority Leader is responsible for scheduling floor activity. The Majority Leader follows committee work in order to produce a steady flow of bills for floor debate and in order to project time consumption. The Majority Leader assists the presiding officer in calendaring bills. The Majority Leader is the lead speaker in floor debate and assists the Speaker of the House or the President of the Senate in program development and policy formation. The Majority Leader is an ex officio member of all standing committees.

**MAJORITY PARTY:** The political party having the most members in a house.

**MESSAGE FROM THE GOVERNOR:** An official communication from the Governor recorded in the journal.

**MESSAGE FROM THE SENATE (HOUSE):**

An official communication from the opposite house that is recorded in the journal.

**MINORITY LEADER:** The member of the minority party in a house who is elected to be the party's leader. The Minority Leader develops the minority position and negotiates with the majority party. The Minority Leader directs floor activity for the minority party and leads the floor debate for the minority party. The Minority Leader is an ex officio member of all standing committees.

**MINORITY PARTY:** The political party having fewer than a majority of the members of a house.

**MINUTES:** A record of the actions taken at a committee meeting that serves as the official record of the meeting.

**MONTANA CODE ANNOTATED (MCA):** The official codified, published version of the statutes of Montana that are of a permanent or general nature.

**MOTION:** A formal proposal offered by a member.

**MOTION TO RECONSIDER:** A motion that, if approved, allows a second vote on a previous action.

**ORDER OF BUSINESS:** The established sequence of activity for each legislative day.

**PER DIEM:** Literally "for a day". Per diem is a payment that a legislator receives to defray expenses associated with attending official legislative meetings or for conducting official legislative business.

**POINT OF ORDER:** An action of a member that calls attention to a perceived breach of a house's rules.



**POINT OF PERSONAL PRIVILEGE:** A procedure that allows a member to make personal comments on any subject while a house is in session.

**PREINTRODUCED BILL:** A bill that is introduced, assigned a bill number, and distributed prior to the convening of the legislative session. Agency bills are required by rule to be preintroduced in order to allow legislative business to begin immediately upon the convening of a session. The term does not mean a bill requested prior to the session that is introduced after the convening of the session.

**PRESIDENT OF THE SENATE:** The presiding officer of the Senate. The President preserves order, recognizes those wishing to speak, and makes the initial ruling on questions of procedure. The President determines who is to preside during the second reading of bills. The President approves the calendar for each legislative day. The President assigns all bills to standing committees. The President is an ex officio member of all standing committees. The President controls access to the Senate floor.

**PRESIDING OFFICER:** The person elected to direct the activities of a house.

**PREVIOUS QUESTION:** A motion to close debate and bring the pending question to an immediate vote.

**PRO TEMPORE:** The member of the house who acts in the absence of the regular presiding officer.

**QUORUM:** The minimum number of members required to be present in order for a legislative body to conduct business. A quorum is one more than half of the membership.

**READING:** Presentation of a bill before either house by the reading of the bill's title. In Montana, a bill must have three readings in each house.

**REAPPORTIONMENT:** The redrawing of United States congressional districts to reflect changes in population based upon the decennial census.

**RECESS:** A break in the daily legislative session.

**REDISTRICTING:** Redrawing the Montana House and Senate legislative district lines to reflect changes in the state's population.

**REFERRAL:** The sending of bills to committees by the presiding officer.

**REGULAR SESSION:** The period of 90 days during each odd-numbered year when the Legislature is scheduled to meet to consider all areas of legislation.

**REPEAL:** The method by which a previous statute is rescinded.

**REQUESTER:** The legislator or legislative entity that asks that a bill or resolution be drafted.

**RESOLUTION:** A formal legislative expression of opinion. A resolution may be acted upon by either house or by both houses. A resolution is not transmitted to the Governor.

**ROLL CALL VOTE:** A method of recording votes by printing the names of the members and their votes. Roll call votes are taken by voting machines in each house.

**RULES:** Regulations and principles governing procedures that are adopted for each house and for actions between the houses.

**SECRETARY OF THE SENATE:** The officer of the Senate appointed by the majority party of the Senate to perform and direct the parliamentary and clerical functions of the Senate.

**SERGEANT-AT-ARMS:** An appointed officer of a house who is responsible for maintaining order, regulating access to the chamber, and carrying out the requests of the presiding officer or membership.

**SESSION LAWS:** The printed compilation of all bills enacted by each session of the Legislature.

**SPEAKER OF THE HOUSE:** The presiding officer of the House of Representatives and the leader of the majority party in the House. The Speaker preserves order, recognizes those wishing to speak, and makes the initial ruling on questions of procedure. The Speaker determines who is to preside during the second reading of bills. The Speaker is an ex officio member of all standing committees. The Speaker appoints the members of the standing committees and assigns the bills to the committees. The Speaker arranges the agenda for the second and third reading of bills. The Speaker is responsible for the supervision of House employees.

**SPECIAL SESSION:** An extraordinary convening of the Legislature either at the request of the Governor or a majority of the members. A special session may be limited to matters specified in the call of the special session.

**SPONSOR:** The legislator that introduces a bill.

**STANDING COMMITTEE:** A committee established by a house's rules to consider legislation in a specified subject area.

**STATUTE:** A permanent or general law codified as part of the Montana Code Annotated.

**SUBCOMMITTEE:** A group of members of a standing committee appointed by the chair of the committee to study and report on a specified bill or subject.

**SUBSTITUTE BILL:** An amendment that replaces the text of an entire bill. The substitute text must be within the scope of the original title.

**TABLE:** A motion used in committee to set aside consideration of a bill in a way that allows the bill to be reconsidered at the will of the committee. The bill remains in the committee and is not reported to the house. A committee may, upon an affirmative vote, take up consideration of a bill that has been tabled. In Montana, a motion to table is often used to finally dispose of a bill without requiring consideration by the Committee of the Whole.

**VETO:** An action taken by the Governor to prevent the enactment of a bill. The Governor has the option of using three types of vetoes: the veto, in which the Governor disapproves the entire bill; the amendatory veto, in which the Governor returns the bill to the Legislature with recommendations for amendment; and the item veto, in which the Governor disapproves specific appropriations. The Legislature may override a veto or an item veto by a two-thirds vote of the members of each house. If the Legislature rejects the Governor's suggested amendments, the Governor must sign the bill, veto the bill, or take no action on the bill. The Governor may not return a bill with suggested amendments a second time.



**WELL:** The area of a chamber directly in front of the rostrum in the chamber.

**WHIP:** The elected officer in each caucus in each house through whom the party machinery is set in motion to conduct business for the house. The Whip is responsible for determining the direction in which opinion is moving and to suggest methods for mitigating or removing discontent. The Whip is responsible for having members present at moments of importance to the party. The Whip arranges the pairing of votes.